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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,215

10/06/2005

Harn Lian Lam

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3624 7590 05/09/2008

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

05/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,215	Applicant(s) LAM ET AL.	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/6/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because 1) the legend used on page 3 of the drawings should be removed [37 CFR 1.84(o)] since the legend was not required by the examiner - the legend could be incorporated into the specification if desired; and 2) the numbering of the views is not consistent with current USPTO practice [37 CFR 1.84(u)(1)] since the some of the views use a decimal as an identifier e.g., “2.2” as opposed to the standard “Fig. 2” and “Fig. 2A” or “Fig. 2B” {number followed by a capital letter} used to designate partial views [appropriate correction of the specification would be in order so as to be consistent with the amended drawings]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, the phrase "wherein said guide being moveable laterally in order to be aligned with a drawer runner system while fitting into said slot and locked thereto when force is applied to said guide" is not properly understood since the phrase "a drawer runner system" may constitute a double inclusion of the previously defined "a runner system". As such, it is not clear if this recitation represents a new and distinct limitation or is just a reference to the previously defined system. In Claim 9, the phrase "the drawer bottom support bracket" does not have a proper antecedent basis. Consequently, the remaining claims are rejected since they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8, 9 & 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammerle [US Publication 2001/0019235]. Hammerle (figures 1-9) teaches of a stabilizing arrangement (fig. 2) capable for use with a double walled drawer, mounted for guided in and out movement with respect to a furniture body comprising; drawer support means (6) capable of supporting a drawer during an in and out movement; a guide (8) located in a slot (13) on the support means to accommodate variance between a furniture body and a drawer width; a runner system (support rail – see specification) housed within the support means to enable an in and out movement; wherein the guide being moveable laterally in order to be aligned with the drawer runner system while fitting into the slot and locked thereto when force is applied to the guide (see figures 4 & 8) as best understood by the examiner in view of the 112(2) rejection above; wherein the drawer support means for supporting an in and out movement is a bottom support bracket (note fig. 3 for example); wherein the stabilizing arrangement further comprises a force supplying means (viewed as either (11) or (15)) for locking the guide onto the support means; wherein the guide is sized to relatively fit in a serration (viewed as the recess 13) on the bottom support bracket; wherein the force supplying means applies constant pressure to the guide; wherein the force supplying means for producing a resilient force on the guide includes a lever (15) and a leg (viewed as the circular washer – so far as broadly claimed); wherein the leg is

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formed any suitable material with two side surfaces (front side & back side) with a relatively smooth edge (curved inner edge of central opening), which is adapted to fit a recess (viewed as the annular recess around element (19) – see fig. 8) of the lever; wherein the force supplying means is affixed onto the drawer bottom support bracket by a holder (14); wherein the guide is in alignment automatically with the runner system; wherein a drawer (2) is fitted with the stabilizing arrangement; and wherein the stabilizing arrangement is on at least one side of the drawer (paragraph [0001]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammerle. Hammerle teaches applicant's inventive claimed stabilizing arrangement as disclosed above, but does not show the lever as being an inverted U-shaped bracket or show the holder as being in the form of an L-shaped bracket. However, the position is taken that it would have been an obvious matter of personal preference to vary the shapes of elements or vary the distances between elements depending upon the needs and/or preferences of the user, since such a modification would have involved a mere change in the form of a component [where the shape is not directly linked to a specific functional relationship with adjacent interconnected elements]. A change on this order is generally recognized as being within the level of ordinary skill in the art. Furthermore, the Federal Circuit has held that, where the only difference between the

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prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rock, Rock et al., Lautenschlager et al., and Lautenschlager describe stabilizing arrangements for drawer assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James O. Hansen/
Primary Examiner, Art Unit 3637

JOH
May 7, 2008